

State of South Dakota

SEVENTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2004

991J0149

HOUSE BILL NO. 1262

Introduced by: Representatives Engels, Bartling, Bradford, Burg, Elliott, Glenski, Hargens, Hundstad, Kroger, Lange, Miles, Nesselhuf, Olson (Mel), Peterson (Jim), Sigdestad, Thompson, and Van Norman and Senators Koetzle, Dempster, Knudson, and Moore

1 FOR AN ACT ENTITLED, An Act to require payment of unused vacation hours upon
2 termination of employment.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 60-11 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 If an employer provides paid vacation hours for an employee and the employee retires or
7 voluntarily resigns, the employer shall pay to the employee a lump-sum payment of the
8 employee's unused vacation hours which have accrued as of the employee's final day on the
9 payroll. The lump-sum payment for the unused vacation hours is equal to the hourly wage of
10 the employee multiplied by the number of the employee's unused vacation hours. If the
11 employee has accrued more than eighty unused vacation hours the employer may make the
12 lump-sum payment equal to:

13 (1) The total unused vacation hours;

14 (2) At least eighty unused vacation hours and a fraction of the remaining unused



1 vacation hours; or

2 (3) Eighty unused vacation hours.